



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY  
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CERTIFIED TRUE COPY

CHRISTINE TODD WHITMAN  
*Governor*

JOHN J. FARMER, JR.  
*Attorney General*

MARK S. HERR  
*Director*

*Mailing Address:*

P.O. Box 45005  
Newark, NJ 07101  
(973) 504-6405

December 17, 1999

To Whom It May Concern:

This letter shall serve to confirm that Nemish DeSai, D.D.S., has been reinstated for active dental practice as of December 21, 1999. He has complied with the terms of the Board's Final Order of Discipline entered on 10-18-99.

This matter is subject to the Board's ratification at their 1-5-2000 meeting.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Agnes M. Clarke".

Agnes M. Clarke  
Executive Director

RECEIVED AND FILED  
WITH THE  
N.J. BOARD OF DENTISTRY  
ON 10-18-99 cm

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF DENTISTRY

\_\_\_\_\_  
IN THE MATTER OF THE  
SUSPENSION OR REVOCATION  
OF THE LICENSE OF

Administrative Action

NEMISH DESAI, D.D.S.  
LICENSE NO. DI 18018

FINAL ORDER  
OF DISCIPLINE

\_\_\_\_\_  
TO PRACTICE DENTISTRY IN  
THE STATE OF NEW JERSEY  
\_\_\_\_\_

This matter was opened to the New Jersey State Board of Dentistry upon the issuance of a Provisional Order of Discipline filed January 20, 1999, asserting that respondent had engaged in the practice of dentistry without a current registration as he had not renewed for the period November 1, 1997 through October 31, 1999, and that he had failed to complete continuing education as required by the consent order entered on May 7, 1997. Respondent was served with the provisional order by certified mail, on January 23, 1999, as evidenced by the return receipt card attached here as "Exhibit A." In response to the Provisional Order, respondent submitted requests for approval of continuing education courses to be taken in satisfaction of the terms of the Consent Order. The

courses respondent proposed did not meet the terms of the Consent Order. Respondent did not challenge the underlying preliminary findings of fact or conclusions of law made by the Board.

The Board has had the opportunity to review the matter and now makes the following findings of fact and conclusions of law.

#### FINDINGS OF FACT

1. Respondent is a dentist in the State of New Jersey and has held an active license through April 30, 1998.

2. On November 4, 1998, the Board reviewed respondent's file. Review of that file demonstrates that he has failed to renew his dental license for the biennial period November 1, 1997 to October 31, 1999. Respondent has continued to practice from May 1, 1998 through the present without a current registration.

3. On May 7, 1997 respondent entered into a Consent Order with the Board in which he agreed, among other things, to complete the following continuing education credits:

Seven (7) hours in basic periodontics,

Seven (7) hours in radiographic interpretation, and

Fourteen (14) hours in basic crown and bridge

Pursuant to terms of the order, the courses were to be pre-approved by the Board.

4. Respondent has failed to submit proof of completion of the continuing education requirements for basic periodontics and basic crown and bridge as set forth in the Board's Order of May 7, 1997, which is attached to and made a part of this Final Order.

CONCLUSIONS OF LAW

1. The above factual findings provide grounds for the disciplinary action pursuant to N.J.S.A. 45:1-21(e) and N.J.S.A. 45:6-10 (engaged in professional misconduct by failing to renew license to practice dentistry and continuing to practice without a current registration) and N.J.S.A. 45:1-21(e) and N.J.A.C. 13:45C-1.4 (failed to comply with a Board order).

ACCORDINGLY IT IS on this 18<sup>th</sup> day of October, 1999,

ORDERED that:

1. Respondent's license to practice dentistry in the State of New Jersey be and hereby is suspended for a period of forty-five days, effective close of business on November 5, 1999.

2. Following the period of suspension and prior to resuming active practice in New Jersey, respondent shall be required to:

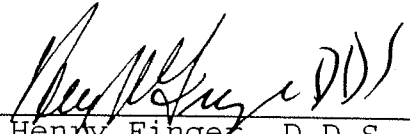
(a.) renew his license to practice dentistry by paying the late fee of \$100 and the biennial renewal fee of \$100 for the renewal period 1997-1999; and by paying the biennial renewal fee, and late fee if applicable, for the renewal period 1999-2001.

(b.) submit proof of completion of 21 hours of continuing education (7 hours in basic periodontics and 14 hours of basic crown and bridge), which courses must be preapproved by the Board) as required by the Board's order of May 7, 1997;

(c.) submit proof of completion of 40 hours of continuing education for the renewal period 1997-1999 and forty hours of continuing education for the renewal period 1999-2001.

3. Respondent shall pay a civil penalty of \$2,500 pursuant to N.J.S.A. 45:1-22(b) by certified check or money order payable to the State of New Jersey and forwarded to Agnes M. Clarke, Executive Director, State Board of Dentistry within 60 days of the entry of the final order of discipline.

BOARD OF DENTISTRY

By   
Henry Finger, D.D.S.  
Board President

## EXHIBIT A

Z 116 419 123

US Postal Service

# Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Dr. DeSai	
Street & Number	
633 Bayway Ave.	
Post Office, State, & ZIP Code	
Eliz. NJ 07202	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	
mailed 1-22-99	

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

## SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

### 3. Article Addressed to:

Dr. Nemish J. DeSai  
633 Bayway Ave.  
Elizabeth, NJ 07202-2612

### 4a. Article Number

Z 116 419 123

### 4b. Service Type

- |   |   |
|---|---|
| <input type="checkbox"/> Registered                     | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                   | <input type="checkbox"/> Insured              |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

### 7. Date of Delivery

1/23/99

### 5. Received By: (Print Name)

### 6. Signature: (Addressee or Agent)

X

### 8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt